

SEP 13 2002

**PLAINTIFFS' NARRATIVE SUMMARY OF THE JUNE 18, 2002
DEPOSITION OF TERENCE D. FITZGERALD**

JOSEPH W. SKUPNIK/WITZ CLE
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CASE #

02-C-48-S

I am president and chief operating officer of Todd McFarlane Entertainment.

8:16-18. I started working with Todd McFarlane and Todd McFarlane Productions in April 1992. 7:17-19. Between April 1992 and February 1998, I was an employee of Todd McFarlane Productions and Todd was my boss. 60:15-61:4. In 1998, I moved to Los Angeles and we formed Todd McFarlane Entertainment, which produces television feature films and music videos. 7:25-8:5.

In 1992, Todd and I were the only employees of Todd McFarlane Productions. 8:24-9:5. During this time, Todd was trying to recruit some outside writers to author issues of Spawn. 9:18-21. I don't remember whether the compensation for the guest Spawn writers was based on a percentage of the sales for each issue. 16:17-17:8. Todd told me that he offered Neil \$100,000 to write an issue of Spawn. 10:9-15. Todd also told me that Neil was looking to match a deal that he had previously with DC. 10:22-11:2. I was told by Todd to send Neil a check for \$10,000 for an Angela comic. 13:23-25.

I am not aware of any written license agreements between Todd McFarlane Productions and any other companies that Todd is associated with. 57:12-22. I am not aware of any written licensing agreement between Todd McFarlane Productions and TMP International for production of toys. 57:6-11. I don't know how Todd McFarlane Productions was compensated by Image for the comic books that it published. 12:24-13:6. There were no written license agreements between Todd McFarlane Productions and Image Comics. 57:23-25.

In July or August 1997, I was busy working on the Spawn movie and the animated Spawn HBO show. 39:9-19. Todd asked me to draft an agreement with Neil, which is Exhibit 50. 30:20-31:3; 50:12-13. I assume that Todd told me the percentages to put in. 32:10-19. Todd never told me that Neil misrepresented to Todd the terms of Neil's agreement with DC Comics. 47:3-6.